

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Closed Captioning of Video Programming)	CG Docket No. 05-231
)	
Notice of Proposed Rulemaking)	
Released July 21, 2005)	
)	

REPLY COMMENTS OF THE ACCESSIBLE MEDIA INDUSTRY COALITION

December 14, 2005

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1. INTRODUCTION

The Accessible Media Industry Coalition (AMIC) is pleased to reply to comments filed in response to the FCC's Notice of Proposed Rulemaking (the "NPRM") adopted on July 14, 2005 to examine the Commission's closed-captioning rules.

2. DISCUSSION

A. TECHNOLOGY DEVELOPMENT WILL BE ENHANCED, NOT STIFLED,
BY QUALITY RULES

At least two commenters made the point that any imposition of rules respecting captioning quality will delay or impede the development of new and improved captioning systems. AMIC does not agree.

One set of comments to the Commission (NBC Telemundo, page 16), states the "Commission should not risk stifling further technological development by imposing stringent accuracy rates." Comments from the National Association of Broadcasters makes a similar statement. They write (on page ii) that "proposed regulations are likely to... deter the development of more cost-effective captioning technology."

AMIC believes that the opposite of these statements is true in general and almost certainly true in this specific case. If any new technology is deemed acceptable and useful at its current level of development, there is a

disincentive to its proponents to invest in improvements, especially if those improvements will not let the developer charge more for the product. If, on the other hand, the technology is deemed to be promising but not quite ready for broad usage, there is ample incentive for its proponents to make the necessary improvements.

Speech-recognition-based captioning systems fall into this latter category. Several commenters to the FCC cited hopes for this technology while, at the same time, noting that it is not yet as accurate as stenocaptioning. Indeed, the Radio-Television News Directors Association comments on page 8 noted, “Full access to local news programming and other live programming may well come through voice recognition technology, but the Commission should allow additional time for this and other closed captioning technologies to advance.” NAB at page 17 cited 90% accuracy for captioning based on speech recognition, presumably referring to *independent* speech recognition systems (i.e. systems that attempt to translate a soundtrack into text with no human intervention). If that level is deemed acceptable at today’s early stages of development, AMIC fears that much needed improvements to enhance the accuracy of such systems will be slow in coming.

AMIC disagrees with the NAB conclusion (page 17) that “adopting specific accuracy requirements could have the unintended consequence of stifling captioning innovation entirely.” Accuracy requirements would raise the bar for performance of the new technology and thus would compel, not hinder, technological development.

B. PROGRAMMERS CAN GET HIGH-QUALITY CAPTIONING WHENEVER IT IS NEEDED

NBC Telemundo states that “the gap between the airing of breaking news and the commencement of captioning both exposes the station to potential FCC liability and reduces the value of the programming.” However, for almost two decades, many of the national networks have had contracts in place with captioning service providers to monitor programming and go on the air almost instantly in the event of a special bulletin or announcement. The claim that “even quality stenocaptioning services can require up to 20 minutes to identify an available stenocaptioner and commence captioning” is

to suggest, wrongly, that the problem is systemic rather than economic. Besides the national broadcast and cable networks, there are today many local stations that have monitoring contracts in place with AMIC's member companies to ensure complete and uninterrupted access to consumers. Most service providers are happy to offer such guarantees of service.

C. CAPTIONS MUST BE HIGHLY ACCURATE TO PROVIDE MANDATED ACCESSIBILITY

Several commenters have suggested various percentages of accuracy that, if implemented, would defeat the congressional intent to make video programs accessible to people who cannot hear the program audio.

NBC Telemundo, on page 16, states, "[Its] own analysis indicates that stations currently cannot expect leading real-time captioning services to deliver more than 84 percent accuracy." AMIC has not found this poor level of accuracy to be the practice of any of our member companies.¹

Certainly, if any program producer is having difficulty procuring captioning services which are greater than 84 per cent accurate, it's a further indication that the time has arrived for the FCC to set minimum-quality standards.

This difference in perceived accuracy, however, clearly highlights the need for a consistent, simple and unambiguous formula by which to measure the quality of ALL captioning. Any issue of captioning accuracy must address two questions:

- 1) Are all the spoken words of the program audio reflected in the written words?
- 2) Are the written words accurate?

The second question cannot be answered without satisfying the first. Some programs may claim an accuracy of 98 percent, meaning 98 percent of the words that appear in the captions are correct, regardless of whether or not 100 percent of the words in the program audio are captioned.

¹ AMIC's member companies are responsible for the captioning of the overwhelming majority of all nationally distributed programming covered by the FCC mandate, as well as an extremely high percentage of all locally produced and distributed programming.

The proposed AMIC standard ensures that both components be considered (along with a third critical component – timeliness). A claim of 98 percent accuracy is correct according to the AMIC formula if the captions truly reflect 100 percent of the program audio. If, however, the captions only reflect 90 percent of the program audio, the accuracy score would drop to 88 percent. A measure is worth very little if it can be interpreted in a wide variety of ways. There must be guidelines for the components of the measure. We believe the standards proposed by AMIC address this dilemma.

Consider what it means for captioning to display no more than five out of every six words accurately, as an 84 percent standard would yield. Mistakes can, of course, take several forms. They may consist of missing words or phrases, incorrect words, or misspelled words. Take the first sentence of this paragraph. At 84 percent accuracy, it might read:

“Consider what it means for to display no more than out of every six words, as an 84 standard would yield.” [Missing words]

Or it could read:

“Consider what it means no more than five out of every six words accurately, as an 84 percent standard would yield.” [Missing phrase]

Or yet again it could read:

“Councilor what it means for captioning to display no Morgan five out of every words accurately, as an 48 percent standard would yield.” [Misspelling, missing, and wrong words]

We can’t conceive that any of the above versions of the sentence would be acceptable to a caption viewer. Every one of these examples would be measured, by AMIC’s suggested specification, at exactly 84 per cent accuracy, and none of them make any sense. If AMIC’s recommendation of 95 per cent minimum accuracy is adopted, there would be, on average, no more than one error in this 25-word sentence.

NBC Telemundo states, also on page 16, that “accuracy benchmarks that involve subjective analysis cannot serve as a defensible Commission

standard.” AMIC could not agree more, which is why, in our Comments, we recommend a simple, consistent, and *objective* measurement specification.

D. LACK OF NON-TECHNICAL QUALITY STANDARDS WILL RESULT IN A FURTHER DECLINE OF CAPTIONING QUALITY

Many commenters – mostly video-program distributors – have stated that non-technical quality standards are unnecessary. Often, they cite a belief that the marketplace will ensure that captioning is provided at appropriate levels of accuracy. However, that has not been the case since the quantity mandate was imposed starting in 2000. AMIC believes that a continued lack of defined, appropriate standards is likely to result in a further erosion of captioning quality.

Some commenters suggest that the cost of captioning is too high, especially in light of the January 1, 2006, benchmark that requires 100 percent captioning of all new programming. AMIC’s member companies have all experienced a steep decline in rates since the FCC mandate became effective. NBC Telemundo on page 12 states that the cost of captioning services procured by their stations has “only” dropped 27 percent (even without adjusting for inflation) over eight years. AMIC is proud that its member companies have worked so diligently over that period to bring prices down so much at a time when most products and services have been increasing at or above the national rate of inflation. We believe the captioning industry deserves praise for its noteworthy responsiveness to the economic needs of the broadcasting industry. In order to reduce costs further, many service providers would have to make substantial changes in operational procedures, and such changes would likely cut into quality control and personnel training, possibly resulting in further erosion of quality.

AMIC further believes, as stated in its Comments filed previously, that the absence of defined standards has led to caption delivery problems ranging from inaccurate caption creation to faulty data transmission. Creation of standards, monitoring practices, and accountability will serve consumers, service providers, and the industry at large in making television programming truly accessible and understandable.

E. QUALITY STANDARDS SHOULD BE INDEPENDENT OF THE TECHNOLOGY USED TO CREATE CAPTIONS

ENCO Systems states on page 1 of its comments, “The proposed rules should address a range of use (and threshold of acceptance) for technology based captioning.” ENCO defines the latter term as captions produced “from broadcast audio without human transcription or intervention,”

AMIC agrees that there should be a threshold of acceptance, but believes it should apply regardless of the technology or procedures used to create the captions. It will be extremely difficult for consumers or anyone evaluating a complaint to know when to make exceptions for poor quality if they must first investigate whether captions were created by a technology that may, as inferred by ENCO’s comments, produce inferior quality. If a technology can produce equivalent captions, there is no need for an exception; if it cannot produce equivalent quality, there is no need for the technology. No matter how the captions are created, they must meet certain minimum quality standards in order to provide to consumers the access they deserve and have been promised. There is never a more critical time for accuracy than when a broadcaster is providing public information in the case of an emergency situation. The FCC should not allow inferior quality at any time, much less during emergency broadcasts, regardless of how the captions are created or transmitted.

3. SUMMARY AND CONCLUSION

The Accessible Media Industry Coalition believes that the Commission’s proposed rulemaking is a step in the right direction in that it will spur, not stifle, improvement and development of the technologies needed to meet the quantity mandates, and it will ensure that all captioning that is provided, regardless of the technology used to create or deliver it, will meet the needs of consumers to have accurate, timely, and complete access.

Respectfully Submitted,

Jeffrey M. Hutchins

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